



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,919	02/24/2004	Simon G. Thompson	36-1806	1962

23117 7590 08/23/2007
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

LEE, WILSON

ART UNIT	PAPER NUMBER
----------	--------------

2163

MAIL DATE	DELIVERY MODE
-----------	---------------

08/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

mn

Office Action Summary	Application No. 10/784,919	Applicant(s) THOMPSON ET AL.	
	Examiner Wilson Lee	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR. 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued under 37 CFR 1.114, and fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/21/07 has been entered.

Specification

The disclosure is objected because it lacks any section headings such as Background of the Invention, Summary of the Invention, Brief Description of the Drawings, Detailed Description of the Preferred Embodiments.

Drawings

The drawings filed on 12/22/06 are objected as informal drawings due to the changed numerals.

Response to Arguments

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections – 35 U.S.C. 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1, "moderation means" is not defined what it is. An example is respectfully requested to point out what device it is. Terminologies "moderation value", "user moderation value" are vague. It is not understood what they are and the difference between them.

In Claims 5, 7, "quality rating" and "quality values" are vague. It is not understood what they are and the difference between them.

In Claim 9, Terminologies "moderation value", "user moderation value" are vague. It is not understood what they are and the difference between them.

In Claims 13, 14, 15, 17, "quality rating" and "quality values" are vague. It is not understood what they are and the difference between them.

All dependent claims are vague by virtue of their dependency on claims 1 and 9.

Claim Rejections – 35 U.S.C. 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 18, 19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

For a claimed invention to be statutory, the recited steps must produce a concrete and tangible result. State Street, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02.

In the present case, independent claims 18, 19 only recite a program per se. A computer program is statutory while being claimed as part of an otherwise statutory manufacture or machine. In such a case, the claims 18, 19 remain statutory irrespective of the fact that a computer program is included in the claims. The same result occurs when a computer program is used in a computerized process where the computer executes the instructions set forth in the computer program. The computer program of claims are not stored on a tangible storage medium and do not execute any steps or instructions. They also lack "being executable by a processor" to enable the computer programs.

Claim Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2163

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 9-13, 15, 18, 19, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Trauring (US 6,513,033).

Regarding Claim 1, Trauring discloses an apparatus for generating and maintaining a data resource, comprising:

- a repository (106) for the data resource (fig. 1);
- access means (client computer) for allowing a plurality to users to make amendments to the data resource (Col. 3, lines 52-67, Col. 4, lines 1-36);
- moderation means (updated system) for recording the amendments, and for recording moderation inputs (votes) made by the users relating to such amendments (Col. 7, line 57 to Col. 8, line 24);
- rating means for generating a moderation value (pre-defined ratio) for each amendment derived from the moderation inputs received from the moderation means and for storing the moderation values so generated in the repository (Col. 8, lines 8-24);
- means for generating a user moderation value (total number of votes) in respect of each user, from moderation inputs of other users made in respect of amendments made by the user (Col. 8, lines 8-24); and
- means (means for calculating ratio) for applying their respective moderation values to inputs made by each user (Col. 8, lines 1-24).

Regarding Claim 2, Trauring discloses a means (keyboard in Client computer) for input of user-generated data, the data relating to the users' assessments (review the definition) (Col. 4, line 58 to Col. 5, line 38) for the quality of amendments made by other users (whether it establishes the threshold requirement) (Col. 8, lines 8-46).

Regarding Claim 3, Trauring discloses an amendment moderation value generation means, comprising means for determining the validity and consistency of amendments (when the positive votes is 3 to 1 of the negative votes), and means for generating a moderation input (pre-define ratio) from the results of such determination.

Regarding Claim 4, Trauring discloses that a user moderation value store arranged to store the user moderation values, and means for retrieval of user moderation values from the user moderation value store (votes are stored for the subsequent definition retrieval or review).

Regarding Claim 5, Trauring discloses a means for storing a quality rating (positive vote) for each resource, and wherein the rating means retrieves the quality rating for a modified resource and generates moderation values (pre-defined ratio. e.g. 75%) in accordance with the retrieved quality rating (positive votes) (Col. 12, lines 1-27).

Regarding Claim 9, Trauring discloses a method for generating and maintaining a data resource, said method comprising:

- recording amendments (updating comprehensive reference material shown in Col. 4, lines 60-62 and fig. 5A) made to the resource by a user, and retrieving said amendment (displaying comprehensive reference material) (Col. 4, lines 58-60) by use of a data access means (client computer) (Col. 3, lines 52-67, Col. 4, lines 1-36);
- receiving moderation inputs (vote) generated by one or more users relating to such amendments (existing definition) (Figure 6);
- generating a moderation value (pre-defined ratio) for each amendment, the moderation value being determined by the moderation inputs (Col. 8, lines 8-24); and
- generating a user moderation value (the total number of votes) from moderation inputs of other user made in respect of amendments made by the user, and applied to inputs made by the user (Col. 8, lines 8-24).

Regarding Claim 10, Trauring discloses that user-generated data (votes, ratio) is recorded, assessing qualities of amendments made by other users (whether it establishes the threshold requirement) (Col. 8, lines 8-46).

Regarding Claim 11, Trauring discloses that the validity and consistency of amendments are determined (when the positive votes is 3 to 1 of the negative votes),

Art Unit: 2163

and a moderation value (pre-define ratio) is generated from the results of such determination.

Regarding Claim 12, Trauring discloses that the user moderation value is stored for subsequent retrieval (votes are stored for the subsequent definition retrieval or review).

Regarding Claim 13, Trauring discloses that a quality rating (positive votes) is stored for each resource, and wherein moderation values (pre-defined ratio. e.g. 75%) are generated in accordance with the retrieved quality rating (positive votes) (Col. 12, lines 1-27).

Regarding Claim 15, Trauring discloses that a quality value (positive vote) is generated relating to an amendment proposal, and the data resource is amended in accordance with the amendment proposal (proposed definition) when the quality value passes a predetermined upper threshold (3:1 to negative votes) (Col. 11, line 45 to Col. 12, line 48).

Regarding Claim 18, Trauring inherently discloses a computer program product for execution by one computer to carry out the method of claim 1 because his invention operates with the hardware.

Regarding Claim 19, Trauring inherently discloses a computer program for execution by one computer to provide the apparatus of claim 1 because his invention operates with the hardware.

Allowable subject matter

Claims 6-8, 14, 16, 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Art Unit: 2163

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Giraud et al. (US 2002/0184098) discloses an interactive promotional informational communicating system. Lang et al. (US 2002/0120609) discloses a collaborative/adaptive search engine.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824.

Papers related to the application may be submitted by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The official fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wilson Lee

Primary Examiner

U.S. Patent & Trademark Office

8/20/07